

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RENEE STELZNER,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

CASE NO. 16-cv-05718 RJB JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration (Dkt. 15).

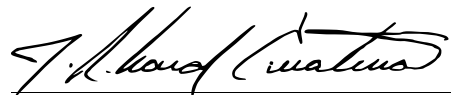
¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 After reviewing defendant's stipulated motion and the relevant record, the undersigned
2 recommends that the Court grant defendant's motion, and reverse and remand this matter to the
3 Acting Commissioner.

4 Based on the stipulation of the parties, this Court recommends that the District Judge
5 ORDER that the Acting Commissioner's decision in regard to plaintiff's application for
6 disability benefits pursuant to Titles II and XVI of the Social Security Act be **REVERSED** and
7 **REMANDED** to the Acting Commissioner of Social Security for a *de novo* hearing pursuant to
8 sentence four of 42 U.S.C. § 405(g). Following remand, the Administrative Law Judge shall
9 discuss Dr. Liu's opinion. The Administrative Law Judge shall re-evaluate all of the medical
10 evidence, the plaintiff's statements about her symptoms and limitations, the lay witness
11 evidence, the residual functional capacity, and the plaintiff's ability to perform work at steps four
12 and five, as necessary.

13 Given the facts and the parties' stipulation, the Court recommends that the District Judge
14 immediately approve this Report and Recommendation and order the case be **REVERSED** and
15 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

16 Dated this 31st day of January, 2017.

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19 J. Richard Creatura
20 United States Magistrate Judge
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